

Message Text

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PAGE 01 SAIGON 17871 121225Z

13

ACTION SS-30

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FM AMEMBASSY SAIGON

TO SECSTATE WASHDC 8017

INFO USDEL JEC PARIS

C O N F I D E N T I A L SAIGON 17871

EXDIS

EO 11652: GDS

TAGS: PFOR VS

SUBJ: GVN NOTE TO PARIS PARTICIPANTS ON FIGHTING IN TAY NINH

1. THERE FOLLOWS THE TEXT OF A NOTE FROM THE GVN TO THE PARTIES TO THE ACT OF THE INTERNATIONAL CONFERENCE ON VIETNAM. THIS NOTE WHICH CONCERNS THE RECENT FIGHTING IN TAY NINH IS DATED 10 OCTOBER AND WAS DISTRIBUTED 12 OCTOBER. IT IS EXPECTED THAT IT WILL BE MADE PUBLIC WITHIN TWO-TO-THREE DAYS.

2. BEGIN TEXT: THE MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF VIETNAM PRESENTS HIS COMPLIMENTS TO THE PARTIES TO THE ACT OF THE INTERNATIONAL CONFERENCE ON VIETNAM, SIGNED IN PARIS ON 2ND MARCH 1973, AND HAS THE HONOR TO DRAW THEIR ATTENTION TO THE FOLLOWING.

3. ON 29TH SEPTEMBER 1973, AT 1500 HOURS, THE 2ND BATTALION, 49TH REGIMENT OF THE 25TH DIVISION OF THE ARMED FORCES OF THE REPUBLIC OF VIETNAM, WHILE PERFORMING ITS SECURITY MISSION IN THE AREA UNDER ITS RESPONSIBILITY, WAS ATTACKED BY COMMUNIST ELEMENTS, AT UTMG COORDINATES XT 364-375, IN THE KHIEM HANH DISTRICT, PROVINCE OF TAY NINH.

4. THE ASSAILANT FORCES, IDENTIFIED AS THE 101ST REGIMENT REINFORCED BY THE D-14TH REGIONAL BATTALION, SHELLED THE ARMY OF THE REPUBLIC OF VIETNAM UNIT AND ASSAULTED IT.

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PAGE 02 SAIGON 17871 121225Z

5. OCCURRING AFTER THE 22ND SEPTEMBER 1973 ATTACK AGAINST

THE LE MINH BASE, THE COMMUNIST OFFENSIVE - THE SECOND WITHIN A WEEK - WAS CARRIED OUT WITH THE AIM OF EXTENDING THE COMMUNISTS' AREA OF CONTROL.

6. IT WAS A LARGE SCALE OPERATION SIMILAR TO THOSE WHICH WERE CONDUCTED BEFORE THE SIGNING OF THE 27TH JANUARY 1973 PARIS AGREEMENT.

7. IT CONSTITUTES THEREFORE AN ACT OF WAR, IN BLATANT VIOLATION OF ARTICLES 3 AND 13 OF THE PARIS AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM, AND ARTICLE 2 OF THE PROTOCOL ON THE CEASEFIRE.

8. ON 4TH OCTOBER 1973, THE DELEGATION OF THE REPUBLIC OF VIETNAM TO THE TWO-PARTY JOINT MILITARY COMMISSION REQUESTED THAT THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION SHOULD CARRY OUT AN ON-THE-SPOT INVESTIGATION OF THE CASE, AND ASSIST THE REPUBLIC OF VIETNAM IN FINDING MEASURES TO PREVENT THE RECURRENCE OF SIMILAR CASES.

9. THE GOVERNMENT OF THE REPUBLIC OF VIETNAM WISHES TO RENEW ITS APPEAL TO THE PARTIES TO THE ACT OF THE INTERNATIONAL CONFERENCE ON VIETNAM TO TAKE APPROPRIATE ACTIONS TO PUT AN END TO THE VIOLATIONS OF THE PARIS AGREEMENT BY THE DEMOCRATIC REPUBLIC OF VIETNAM SIDE.

10. THE GOVERNMENT OF THE REPUBLIC OF VIETNAM WISHES TO REITERATE ITS DETERMINATION TO IMPLEMENT SERIOUSLY THE PARIS AGREEMENT BUT IT RESERVES ITS OWN RIGHT TO DEFEND ITS TERRITORY AND ITS POPULATION, BY ALL APPROPRIATE MEANS.

11. THE MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF VIETNAM AVAILS HIMSELF OF THIS OPPORTUNITY TO RENEW TO THE PARTIES TO THE ACT OF THE INTERNATIONAL CONFERENCE ON VIETNAM THE ASSURANCES OF HIS HIGHEST CONSIDERATION.

SAIGON, 10TH OCTOBER 1973 END TEXT.

12. COMMENT: WE WERE INFORMED BY GIANG OF THE MINISTRY OF FOREIGN AFFAIRS THAT ACTING FOREIGN MINISTER DUC PERSONALLY CHOSE TO CITE ARTICLE 13 OF THE PARIS AGREEMENT IN ORDER TO DRAW ATTENTION
CONFIDENTIAL

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PAGE 03 SAIGON 17871 121225Z

TO THE DRV'S CULPABILITY IN INTERFERING BY FORCE IN SOUTH VIETNAM IN VIOLATION OF THIS ARTICLE. FOREIGN MINISTRY ALSO TOLD US THAT THEY WILL FOLLOW PAST PROCEDURE AND SEND THIS NOTE TO THE COMMUNIST ADDRESSEES' EMBASSIES IN PARIS BY REGISTERED MAIL FROM THE GVN EMBASSY IN PARIS, EVEN THOUGH THESE PREVIOUS NOTES HAVE BEEN RETURNED BY REGISTERED MAIL WITH NO COMMENT OR ACKNOWLEDGEMENT. IN REPLY TO THEIR QUERY WE ADVISED MFA TO CONTINUE THIS PRACTICE AND THAT THEY SHOULD CONSIDER MAKING PUBLIC FACT THAT CERTAIN PARTIES

TO THE ACT OF PARIS WERE NOT ACCEPTING COMMUNICATIONS FROM OTHER
PARTIES.
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